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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/045,996	10/18/2001	Dorothea Kuettner	10011035	1545

7590 04/13/2006
HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 272400
Fort Collins, CO 80527-2400

EXAMINER

BOYCE, ANDRE D

ART UNIT	PAPER NUMBER
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3623

DATE MAILED: 04/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/045,996	Applicant(s) KUETTNER ET AL.	
	Examiner Andre Boyce	Art Unit 3623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 January 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. This Final Office Action is in response to Applicant's amendment filed January 30, 2006. Claims 10 and 14 have been amended. Claims 1-20 are pending.
2. The previously pending objection to claim 10 has been withdrawn.
The previously pending rejection to claim 14 under 35 U.S.C. 112, second paragraph, has been withdrawn.
3. Applicant's arguments filed January 30, 2006 have been fully considered but they are not persuasive.

Claim Rejections - 35 USC § 103

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
5. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Adler (US 2002/0169658), in view of Lindell (USPN 6,622,056).

As per claim 8, Adler discloses a method for performing alternative supply chain analysis (i.e., strategy model and analysis tool, including a spreadsheet application that apply predefined macros, ¶ 0033) comprising the steps of: b) classifying and naming the objects flowing through the supply chain (i.e., modeling environment specifies the information in terms of object model,

comprising object classes, ¶ 0082); c) building a supply chain model (i.e., modeling industrial markets in terms of businesses broken down into buyer, seller, and trade categories, ¶ 0077); d) inputting data to said model (i.e., sliders and windows that enable users to specify the domain, ¶ 0086); and, e) designing at least one supply chain scenario (i.e., plurality of scenarios 12, ¶ 0073). Adler does not explicitly disclose classifying and naming nodes in a supply chain. Lindell discloses the path from the point of origin to the point of consumption of goods in a supply chain comprising several nodes, including producers, wholesalers, and distributors (figure 1 and column 3, lines 37-42). Both Adler and Lindell are concerned with analyzing and modeling control of products in a supply network, therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to include classifying and naming nodes in Adler, as seen in Lindell, thus allowing the network to be applicable to supply chains of arbitrary length and levels, as disclosed in Lindell (column 4, lines 15-17), making the Adler system more robust and flexible.

As per claim 9, Adler does not disclose said nodes are classified as parts sources, internal demand nodes and terminal demand nodes. Lindell discloses the path from the point of origin to the point of consumption of goods in a supply chain comprising several nodes, including producers, wholesalers, and distributors (figure 1 and column 3, lines 37-42). Further, Lindell discloses a supplier means 31, connected to a customer means 32, connected to a

customer's customer means 33 (column 4, lines 3-7). Both Adler and Lindell are concerned with analyzing and modeling control of products in a supply network, therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to include nodes classified as parts sources, internal demand nodes and terminal demand nodes in Adler, as seen in Lindell, thus allowing the network to be applicable to supply chains of arbitrary length and levels, as disclosed in Lindell (column 4, lines 15-17), making the Adler system more robust and flexible.

As per claim 10, Adler discloses said objects flowing through the supply chain are classified as products, product forms and parts (i.e., non-autonomous objects, including products and services, ¶ 0073).

As per claim 11, Adler discloses said supply chain scenario is designed using an interactive symbolic visual interface (i.e., GUI enabling users to control and monitor the system, ¶ 0085).

As per claim 12, Adler discloses said interactive symbolic visual interface comprises interactive node icons and interactive connection element icons (i.e., pixel icon representing buyer, seller, trader in display window, table 9).

As per claim 13, Adler does not disclose said interactive node icons represent parts sources, internal demand nodes and terminal demand nodes. Lindell discloses the path from the point of origin to the point of consumption of goods in a supply chain comprising several nodes, including producers, wholesalers, and distributors (figure 1 and column 3, lines 37-42). Further, Lindell discloses

a supplier means 31, connected to a customer means 32, connected to a customer's customer means 33 (column 4, lines 3-7). Both Adler and Lindell are concerned with analyzing and modeling control of products in a supply network, therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to include nodes classified as parts sources, internal demand nodes and terminal demand nodes in Adler, as seen in Lindell, thus allowing the network to be applicable to supply chains of arbitrary length and levels, as disclosed in Lindell (column 4, lines 15-17), making the Adler system more robust and flexible.

As per claim 14, Adler discloses the scenario properties are altered using a visual display-pointing device in association with the icons (i.e., GUI is used to select the domain model, scenario and decision option to be loaded into the system, ¶ 0092).

As per claim 7, Adler discloses more than one supply chain (i.e., allowing businesses to adopt different roles with respect to trade items in different marketplaces, ¶ 0037).

Claims 1-6 and 15-20 are rejected based upon the rejection of claims 8-13, since they are the system and computer readable medium claims, respectively, corresponding to the method claims.

Response to Arguments

6. In the Remarks, Applicant argues that Adler (US 2002/0169658) does not qualify as prior because the filing date of the present application, October 18, 2001, predates the effective date of Adler. In addition, Applicant argues that there is no evidence that the subject matter upon which the Examiner has based the rejection is included in the provisional application (60/274,328) that Adler claims priority to, filed March 8, 2001. The Examiner respectfully disagrees. First, the Examiner notes that the USPTO no longer provides Applicant copies of provisional applications. Applicant can access the provisional application on the USPTO website (<http://www.uspto.gov>), via Public Pair. Further, the Examiner submits that the 73 page provisional application (60/274,328), filed March 8, 2001 indeed provides support for the subject matter relied upon in the above rejection.

Applicant also argues that Lindell alone does not teach or suggest the claims 1, 8, and 15. The Examiner submits that the Adler in view of Lindell indeed discloses Applicant's claimed invention, as seen in the above rejection.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not


mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andre Boyce whose telephone number is (571) 272-6726. The examiner can normally be reached on 9:30-6pm M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on (571) 272-6729. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


adb
April 10, 2006


SUSANNA M. DIAZ
PRIMARY EXAMINER
Art 3623